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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,768	10/31/2001	Edward F. Miller	EVLDP001	3198

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EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/041,768	MILLER ET AL.
Office Action Summary	Examiner	Art Unit
	Ba Huynh	2179

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 June 2006_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5, 23-32 and 34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5, 23-32, 34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

Claims 1 is rejected under 35 U.S.C. 102(e) as anticipated by US patent #6,446,120
(Dantressangle).

- As for claim 1: Dantressangle teaches an improvement of network browser
application, wherein the browser has built-in capabilities to perform analysis and testing of
websites residing on the Internet (3:21-26).

Claims 1 is rejected under 35 U.S.C. 102(e) as anticipated by US patent #6,662,217
(Godfrey et al).

- As for claim 1: Godfrey et al teach an improvement of network browser application,
wherein the browser has built-in capabilities to perform analysis and testing of websites residing
on the Internet (2:4-9).

Claims 1 is rejected under 35 U.S.C. 102(e) as anticipated by US patent #7,000,224
(Osborne, II et al).

- As for claim 1: Osborne et al teach an improvement of network browser application,
wherein the browser has built-in capabilities to perform analysis and testing of websites residing
on the Internet (16:18-25).

Claims 1 is rejected under 35 U.S.C. 102(e) as anticipated by US patent #6,522,995 (Conti et al).

- As for claim 1: Conti et al teach an improvement of network browser application, wherein the browser has built-in capabilities to perform analysis and testing of websites residing on the Internet (3:7-12).

Claims 1 is rejected under 35 U.S.C. 102(e) as anticipated by US patent #6,418,544 (Nesbitt et al).

- As for claim 1: Nesbitt et al teach an improvement of network browser application, wherein the browser has built-in capabilities to perform analysis and testing of websites residing on the Internet (3:7-12).

Claims 1 is rejected under 35 U.S.C. 102(e) as anticipated by US patent application publication 2004/0039550 (Myers).

- As for claim 1: Myers teaches an improvement of network browser application, wherein the browser has built-in capabilities to perform analysis and testing of websites residing on the Internet (0005, 0046).

Claim Rejections - 35 USC § 103

Claims 2-5, 23-33 are rejected under 35 U.S.C. 103(a) as being obvious over US patent application publication 2004/0039550 (Myers), in view of US patent #6,418,544 (Nesbitt).

- As for claim 2: Myers teaches a test-enabled web browser, comprising:

standard browsing components, a load testing components that operate to test a

website server in accordance with a load, a graphical user interface to provide user access

to the standard browsing components and the load testing components (0039), wherein

when the load testing component is activated, a number of multiple simulated users (each

simulated user operate a copy of the browser 0061, 0067, 0117, 0167) operate on a single

client machine (0117) , with each of the copies of the browser separately executing a

playback script (0062, 0067); and

wherein the load applied to the website server by the number of multiple copies of the

test-enabled browser is dependent on the number (0117). It is inherently included in

Myers that the cache is turned off since Myers directs to the actual browsing of the

website ("SUT", 0065).   Even if it is not, implementation of load testing with cache

turned off is well known in the art as disclosed by Nesbitt et al (3:38-43). One of skill in

the art would be motivated to load testing with cache turn off to achieve realistic result as

suggested by Nesbitt (2:7-20, 3:1-15, 43). Note: Each of Myers' "simulated users"

operates on a copy of browser, thus read on the limitation "a number of multiple copies

of the test-enabled web browser" as recited. Even if it is not the multiple copies of the

test-enabled web browser is disclosed by Nesbitt (2:59-63, 7:20-22), which would have

been obvious to combine with Myers to reduce the number of workstations as suggested

by Nesbitt (2:59-63).

-   As for claim 3: The test-enabled browser comprises at least one of a script record

component and a script playback component (0062-0067).

- As for claims 4, 5: It is inherently included in Myers's teaching of Explorer that the standard browsing components comprises DLL components pertain to Explorer (0156, 0157, 0167).

- As for claim 23: The playback script was previously recorded based on user interaction with the test-enabled browser while accessing the website (0062-0067).

- As for claim 24: The script record further records details for a given web page being presented by the test-enabled browser (0065, 0066, 0067, 0068, 0167).

- As for claim 25: The details include checksum and item counts (0075, 0076, 0136, table 1).

- As for claim 26: It is inherently included in light of Myers that the details are acquired by accessing the DOM of a given web page (see the teaching SUT tree (0068, 0069) and HTML web page in 0039).

- As for claim 27: The given web page is analyzed for properties of interest to a user, as specified and selected with user pull-down menu, and the required data is recorded into a script for later comparative use during playback (0083-0085, 116, 173, 175).

- As for claim 28: The test enabled browser includes script record and playback components (0062-0067).

- As for claim 29: The script playback component can adaptively playback the playback script (0062-0067).

- As for claim 30: The test enabled browser comprises a download timing monitor component (0040, 0075, 0076).

- As for claim 31: The test enabled browser further comprises a content validation component (0136, 0137).

- As for claim 32: The test enabled browser further comprises a quality analysis component (0116).

- As for claim 34: It is inherently included in light of Myers that the details are acquired by accessing the DOM of a given web page (see the teaching SUT tree (0068, 0069) and HTML web page in 0039). The test enabled browser includes script record and playback components (0062-0067). The script playback component can adaptively playback the playback script (0062-0067). The test enabled browser further comprises a content validation component (0136, 0137).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

REMARKS:

In response to the argument that Nesbitt does not teach cache turned off, the limitation is disclosed in (3:38-43). One of skill in the art would be motivated to load testing with cache turn off to achieve realistic result as suggested by Nesbitt (2:7-20, 3:1-15, 43).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
8/20/06